



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 21, 2009

ITEM NUMBER:

SUBJECT: CODE AMENDMENT CO-09-01 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING NEW PARKING STANDARDS FOR SINGLE-FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS

DATE: APRIL 8, 2009

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER
DONALD LAMM, AICP, DEV. SVS. DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610**

RECOMMENDATION

Pursuant to Planning Commission's recommendation, give first reading to an Ordinance amending Title 13 (Zoning Code). Code amendment involves off-street parking regulations and related provisions.

BACKGROUND

Purpose of Code Amendment CO-09-01

The proposed Ordinance amends Title 13 of the Costa Mesa Municipal Code (Zoning Code) to require one additional garage space for new and remodeled single-family detached residences with five or more bedrooms.

Summary of Public Hearings and Previous Actions

The following is the summary list of previous actions taken on this item:

- On August 25, 2008, the Planning Commission recommended to City Council a Zoning Code amendment to require one additional garage space for homes with five or more bedrooms.
- On October 7, 2008, Council expressed concerns on the proposed code amendments, and on 5-0 vote referred the proposed code amendment back to Commission for reconsideration.
- On February 2, 2009, Commission held a study session and discussed the alternatives. The BIA, homeowners associations and Recreation Vehicle Owners Association were notified and no comments were received. Commission directed staff to prepare a draft ordinance for Code Amendment CO-09-01 to

require an additional garage space for single-family detached homes with five or more bedrooms.

- On March 9, 2009, the Commission recommended approval of the proposed Zoning Code amendment on a 5-0 vote.
- On April 7, 2009, Council continued this item to April 21st due to the number of public hearing items.

Minutes of March 9, 2009 Planning Commission meeting is included as Attachment 2.

The March 9, 2009 Planning Commission staff report can be accessed on line at: <http://www.ci.costa-mesa.ca.us/council/planning/2009-03-09/030909CO-0901.pdf>

ANALYSIS

The proposed Ordinance would require one additional garage space for a total of five parking spaces for single-family homes or additions to existing homes that result in an increase in the bedroom count to five or more bedrooms (*Two-car garage currently required, three-car garage proposed*).

Bedroom/Home Office Definitions

Council emphasized the need to make a distinction between home offices and bedrooms in the Zoning Code. A bedroom is currently defined as “any room normally used for sleeping purposes, whether designed as a bedroom or as a den, study, library, or other similar term excluding dining room, living room, kitchen, and baths.”

Currently, one parking standard is applied to all single-family homes. However, for multiple family projects, parking requirements are based on the number of bedrooms. Home offices and/or dens are currently counted as a bedroom for calculating parking requirements. This code amendment would allow one home office with no closet and direct access to a bathroom to be excluded from the total number of bedrooms. For example, a new single-family house with four bedrooms and a home office will be exempt from the three-car garage requirement.

For definitions related to this amendment related to Chapter I, Section 13-6, Definitions, refer to Section 1(a) of the attached Ordinance.

New Tandem Garage Provision

The proposed Ordinance would allow construction of a tandem garage to meet the additional parking requirement for a three-car garage. This provision would allow up to one tandem parking (one parking space in front of another parking space) within a garage to be counted toward the parking requirement. This configuration is currently prohibited in the Zoning Code.

Applicability

The new Ordinance is applicable as follows:

- New construction of single-family detached residences with five bedrooms or more in the R1 zone.
- New construction of single-family detached residences in a small-lot, detached, residential common interest development.
- Newly-remodeled single-family detached residences which are increased in size to five bedrooms or more.

If adopted, the ordinance is recommended not to be applicable to projects that have obtained planning approval prior to effective date of this Ordinance.

Deviations

Deviations from this standard would be subject to approval of a variance and specific variance findings by the Planning Commission. This process would allow Commission to review variance requests on a case-by-case basis.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines.

ALTERNATIVES

City Council may consider the following alternatives:

1. Give first reading to the Ordinance as recommended by Planning Commission.
2. Give first reading to the Ordinance, with any modifications.
3. Retain the City's existing zoning provisions and receive and file the report.


LEGAL REVIEW

The City Attorney's office has approved the Ordinance as to form.

CONCLUSION

The central purpose of this amendment is to require additional parking for single-family detached residences with five bedrooms or more. Parking may be provided in the form of a traditional three-car garage or a tandem garage. For zoning purposes, the Ordinance also excludes home offices from being counted as a bedroom. The new parking regulations would only apply to single-family detached residences, including newly-constructed or newly-remodeled residences resulting in five bedrooms or more.


MINOO ASHABI, AIA
Senior Planner


DONALD D. LAMV, AICP
Deputy City Mgr. – Dev. Svs. Director

- Attachments: 1. Ordinance
2. March 9, 2009 - Planning Meeting Minutes

cc: City Manager
Assistant City Manager
City Attorney
City Clerk
Public Services Director
Transportation Manager
Chief of Code Enforcement
Staff (4)
File (2)

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Frank Leingang
3368 California Street
Costa Mesa, CA 92626

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Dave Goss
2021 Kornat Drive
Costa Mesa, CA 92626

Mesa Verde Community Inc.
Attn: Robin Lefler
3018 Samoa Place
Costa Mesa, CA 92626

Building Industry Association OC Chapter
Attn: Bryan Starr
17744 Sky Park Circle, Suite 170
Irvine, CA 92614

Costa Mesa Chamber of Commerce
1700 Adams Ave., Suite No. 101
Costa Mesa, CA 92626

File: 042109CO0901	Date: 040909	Time: 3:00 p.m.
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ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-01, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE-FAMILY COMMON INTEREST DEVELOPMENTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLE 13. Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- a. Amend Chapter I, Section 13-6, Definitions, by adding the following new definitions:

"Tandem Parking –An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signifies the placement of standard parking spaces one behind the other within the enclosed area of a garage."

"Room, Home Office – A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, lacks a closet space, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study, or library.

- b. Amend Chapter I, Section 13-6, Definitions, by modifying the definition of bedrooms:

~~**"Room, Bedroom** –Any room normally used for sleeping purposes, whether designed as a bedroom or as a den, study, library or other similar term excluding dining room, living room, kitchen and baths. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.~~

- c. Amend Chapter VI, Section 13-85, as follows:

"Sec. 13-85. PARKING REQUIRED

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

- (a) **R1 zone and small-lot single-family common interest developments (excluding townhouses).** Off-street parking in the form of a garage and open parking shall be provided as follows:

TABLE 13-85(a)		
<u>Off-Street Parking Standards for Single-Family Detached Residences in R1 zone and Small-Lot, Detached, Residential Common Interest Developments</u>		
<u>Single-Family Detached Residence with 4 Bedrooms or Fewer</u>		
<u>Garage Parking Spaces</u>	<u>Open Parking Spaces¹</u>	<u>Total Parking Spaces</u>
<u>2</u>	<u>Lots without garage access from alley: 2</u>	<u>4</u>
	<u>Lots with garage access from alley: 1</u>	<u>3</u>
<u>Single-Family Detached Residence with 5 Bedrooms or More³</u>		
<u>New Construction and Additions</u>		
<u>Garage Parking Spaces²</u>	<u>Open Parking Spaces^{1, 2}</u>	<u>Total Parking Spaces</u>
<u>3</u>	<u>Lots without garage access from alley: 2</u>	<u>5</u>
	<u>Lots with garage access from alley: 1</u>	<u>4</u>
<p>1. In R1 zones, required open parking may be provided in a garage or on a minimum 19- foot long, individual driveway leading to a garage. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area.</p> <p>2. For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage. Tandem garage parking shall exclusively consist of two standard parking spaces. Tandem parking of two or more vehicles on an individual driveway does not satisfy the open parking requirements.</p> <p>3. For purposes of applying parking requirements, only one room meeting the definition of a home office as stated in Section 13-6, Definitions, shall not be counted as a bedroom in a single-family detached residence.</p>		

- (1) **Required garage dimensions:** Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
- (2) **Application to an existing residence:** The off-street parking requirements stated above shall not be applied to an existing residence at the time the residence is increased in size and/or the number of bedrooms is increased unless the total number of bedrooms is increased to 5 or more bedrooms.
- (3) With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking

requirements, at such time that garage access is proposed from an abutting alley.

- (b) **R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:
 - (1) For lots that are zoned multiple-family residential and contain only one single-family detached residence dwelling unit, the parking requirements in ~~subsection (a)~~ Table 13-85(a) shall be applied.
 - (2) For individual lots in common-interest developments that contain only one single-family detached residence dwelling unit (excluding townhouses), the parking requirements in ~~subsection (a)~~ Table 13-85(a) shall be applied.
- (c) **Reduction of required parking prohibited.** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one (1) covered parking space and equal access to the required open spaces reserved for residents.
- (d) **Parking for accessory apartments and granny units.** Accessory apartments and granny units as provided for elsewhere in this Zoning Code shall be provided with at least two (2) on-site parking spaces in addition to parking required for the existing single-family residence. The parking need not be covered. City of Costa Mesa Parking Standards shall apply.”

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: APPLICABILITY. Any existing and legally established development prior to the effective date of this ordinance is considered a legal, nonconforming development with respect to the provisions of this ordinance. Thus, any provision or clause of this ordinance shall not be retroactively applied. The provisions of this ordinance shall be applicable to new development or existing development undergoing major structural alterations, consistent with the development parameters regarding nonconforming uses, developments, and lots in Chapter X of Title 13 of the Costa Mesa Municipal Code. The

provisions of this ordinance shall not be applied to any proposed project that has received zoning approval prior to the effective date of this ordinance.

SECTION 5: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

1. **Zoning Code Amendment CO-09-01 for an ordinance to amend Sections 13-6 and 13-85 of Title 13 of the Costa Mesa Municipal Code related to off-street parking standards for single-family detached units with five or more bedrooms in R1 zones and small lot, detached, single-family common interest developments. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and noted that an amended ordinance had been provided to the Commission. She responded to questions from the Commission regarding rewording of Section 1(a)'s "Room, Home Office" definition; the impact on new construction; building industry's input; and including "and/or" in the definition.

Deputy City Attorney Tom Duarte commented that he understands the intent of this section of the ordinance and it can be reworded.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council give first reading to the ordinance with the appropriate changes in language to Section 1(a) related to definition of "Room, Home Office."
Moved by Commissioner Sam Clark, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

2. **Zoning Code Amendment CO-09-02 for an ordinance to amend Section 13-6 and Table 13-32 of Title 13 of the Costa Mesa Municipal Code related to maximum driveway-width standards for residential developments. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and responded to a question from the Commission regarding adding missing words to Section 1(a)'s definition of "Driveway, individual."

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council give first reading to the ordinance, as amended, adding the words "for the" on Page 5, Section 1(a), after the word "necessary," related to definition of "Driveway, individual."
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

3. **Zoning Code Amendment CO-09-03 for an ordinance to amend Table 20-6(c) of Title 20 of the Costa Mesa Municipal Code related to vehicle parking on residential driveways. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and the supplemental memorandum dated March 4, 2009. She responded to questions from the Commission regarding Council's previous concerns; enforcement upon adoption of the ordinance; and parking perpendicular to the street.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council give first reading to the ordinance as provided in the supplemental memo dated March 4, 2009.
Moved by Commissioner Stephen Mensinger, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

Planning Commission Secretary Kimberly Brandt stated that these three code amendments would be scheduled for the City Council meeting of April 7, 2009.

5. **Planning Application PA-09-02, for Willard Chilcott, for a design review for a two-unit, two-story, common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), rear unit previously approved under DR-06-06, located at 2160 Myran Drive, in an R2-MD zone. Environmental determination: exempt.**